

**Appl. No.** : **10/621,196**  
**Filed** : **July 15, 2003**

### **REMARKS**

The foregoing amendments are responsive to the August 25, 2009 Office Action. Applicant respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

#### Request for Interview

Filed herewith is an Applicant Initiated Interview Request Form according to M.P.E.P. § 713.01. Applicant requests an interview prior to the first office action pursuant to 37 CFR 1.133 and M.P.E.P. § 713.02.

#### Response to Rejection of Claims 39, 42 and 45 Under 35 U.S.C. 103(a)

The Examiner rejected Claims 39, 42 and 45 under 35 U.S.C. 103(a) as being unpatentable over Hall et al. (US 6,298,257) in view of Nowlin et al. (US 6,459,926).

Hall teaches magnetically assisted methods for conducting cardiac procedures. Nowlin teaches a system that maintains a fixed relationship between an input handle end and a surgical end effector. Combining Hall with Nowlin does not yield a system with a tactile feedback and a controller that includes a correction input to allow the system controller to compensate for a dynamic position of a wall of a heart chamber such that a surgical tool moves substantially in unison with said wall.

Regarding Claim 39, the cited prior art does not teach or render obvious an apparatus for controlling the movement of a surgical tool to be inserted into the body of a patient that includes an auxiliary device comprising at least one of the group consisting of: an x-ray device, an ultrasound device, and a radar device, wherein said auxiliary device is configured to obtain dynamic position data concerning a dynamic position of an organ of a patient; a system controller that is configured to process said dynamic position data of said organ obtained by said auxiliary device, and said current position of said proximal pole and said distal pole of said distal end obtained by said magnetic field sensors to compute a position error between said desired position

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of said distal end and said current position of said distal end, such that said system controller computes said position error to compensate for said dynamic position of said organ, and wherein said system controller is further configured to control the servo system based on the position error data such that said distal end moves substantially in unison with a natural motion of said organ, and a user control device to provide user inputs to said system controller wherein said system controller provides tactile feedback to a user through said user control device when said position error exceeds a predetermined value while simultaneously compensating for said dynamic position as said distal end moves substantially in unison with a natural motion of said wall.

Claims 40-43 and 45-47 depend from Claim 39 and add additional patentable limitations. Accordingly, Applicant asserts that Claims 39-43 and 45-47 are allowable over the prior art, and Applicant requests allowance of Claims 39-43 and 45-47.

#### Summary

Applicant respectfully asserts that Claims 39-43 and 45-47 are in condition for allowance, and Applicant request allowance of Claims 39-43 and 45-47. If there are any remaining issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney at (949) 721-6305 or at the number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 13, 2009

By 

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